

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DARRELL JOHNSON,

No. C 10-00840 CW (PR)

Petitioner,

AMENDED ORDER GRANTING IN FORMA
PAUPERIS STATUS AND DIRECTING
RESPONDENT TO SHOW CAUSE WHY
THE PETITION SHOULD NOT BE
GRANTED

v.

MICHAEL MARTEL, Acting Warden,

Respondent.

Petitioner, a state prisoner, has filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He also seeks leave to proceed in forma pauperis. It does not appear from the face of the petition that it is without merit. Good cause appearing, the Court hereby issues the following orders:

1. Petitioner's application to proceed in forma pauperis is GRANTED.

2. The Clerk of the Court shall serve a copy of this Order and the petition and all attachments thereto upon Respondent and Respondent's attorney, the Attorney General of the State of California.¹ The Clerk shall also serve a copy of this Order on Petitioner at his current address.

3. Respondent shall file with this Court and serve upon Petitioner, within one-hundred twenty (120) days of the issuance of this Order, an Answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of

¹ Michael Martel, the current warden of the prison where Petitioner is incarcerated, has been substituted as Respondent pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

1 habeas corpus should not be issued. Respondent shall file with the
2 Answer a copy of all portions of the relevant state records that
3 have been transcribed previously and that are relevant to a
4 determination of the issues presented by the petition.

5 4. If Petitioner wishes to respond to the Answer, he shall
6 do so by filing a Traverse with the Court and serving it on
7 Respondent within sixty (60) days of his receipt of the Answer.
8 Should Petitioner fail to do so, the petition will be deemed
9 submitted and ready for decision sixty (60) days after the date
10 Petitioner is served with Respondent's Answer.

11 5. Respondent may file with this Court and serve upon
12 Petitioner, within sixty (60) days of the issuance of this Order, a
13 motion to dismiss on procedural grounds in lieu of an Answer, as
14 set forth in the Advisory Committee Notes to Rule 4 of the Rules
15 Governing Section 2254 Cases. If Respondent files such a motion,
16 Petitioner shall file with the Court and serve on Respondent an
17 opposition or statement of non-opposition to the motion within
18 sixty (60) days of receipt of the motion, and Respondent shall file
19 with the Court and serve on Petitioner a reply within fifteen (15)
20 days of receipt of any opposition.

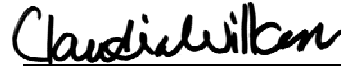
21 6. It is Petitioner's responsibility to prosecute this case.
22 Petitioner must keep the Court and Respondent informed of any
23 change of address and must comply with the Court's orders in a
24 timely fashion. Petitioner must also serve on Respondent's counsel
25 all communications with the Court by mailing a true copy of the
26 document to Respondent's counsel.

27 7. Extensions of time are not favored, though reasonable
28 extensions will be granted. Any motion for an extension of time

1 must be filed no later than ten (10) days prior to the deadline
2 sought to be extended.

3 IT IS SO ORDERED.

4 Dated: 6/15/2010



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 DARRELL JOHNSON,

5 Plaintiff,

6 v.

7 ALAMEDA COUNTY COURT et al,

8 Defendant.
9 _____/

Case Number: CV10-00840 CW

CERTIFICATE OF SERVICE

10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
11 Court, Northern District of California.

12 That on June 15, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said
13 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
14 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
15 receptacle located in the Clerk's office.

16 Darrell Johnson F49735
17 C-11-222 Up
18 Mule Creek State Prison
19 P.O. Box 409060
20 Ione, CA 94640

21 Dated: June 15, 2010

22 Richard W. Wieking, Clerk
23 By: Nikki Riley, Deputy Clerk
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27
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